

forth in the section the Treasurer "is authorized and directed" to draw on the fund prior to reclamation to pay the payee or special indorsee. The committee decided not to make this change in existing law. Therefore the committee amendment is to strike the language of subsection (a) of the bill with a further amendment changing the lettering on the remaining two subsections to "(a)" and "(b)".

COST

In testimony before the committee, the Treasury representative stated that the fund was established in 1941 with an appropriation of \$50,000. This was utilized as a revolving fund until 1963 when an additional \$50,000 was authorized. In 1970 this was increased to \$200,000, and in 1972 an additional \$1,800,000 was authorized. The revolving fund has now been funded at the full amount of \$2 million.

The Treasury Department has furnished the committee with a summary of the numbers of checks and amounts in connection with the operation of the revolving fund in the years 1962 through 1973, which showed that the losses which were not recovered throughout the history of the fund were \$68,148.90. The experience has been that recovery is made in the overwhelming majority of the cases and the amounts so recovered are deposited in the fund. While it is not possible to predict what loss may occur in specific cases in the future, it appears that there should be a similar result in effecting ultimate collection under the provisions of this bill as has been the cases under the existing provisions of the law.

The bill provides for the utilization of a time tested means for the payment of the amounts due to payees on these checks in these situations. It is recommended that the amended bill be considered favorably.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPLICATION OF GENERAL SCHEDULE PAY AND POSITION CLASSIFICATION PROVISIONS TO SELECTIVE SERVICE SYSTEM EMPLOYEES

The Clerk called the bill (H.R. 6334) to provide for the uniform application of the position classification and General Schedule pay rate provisions of title 5, United States Code, to certain employees of the Selective Service System.

There being no objection, the Clerk read the bill as follows:

H.R. 6334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5102(b) of title 5, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof "including positions in local boards and appeal boards within the Selective Service System and employees occupying those positions."

Sec. 2. The rate of basic pay of each employee in a position within the Selective Service System shall be determined by the

on and immediately prior to the effective date of this Act shall be adjusted, as of such effective date, under the provisions of section 5334(d) of title 5, United States Code.

Sec. 3. Section 10(b)(4) of the Military Selective Service Act (50 App. U.S.C. 460 (b)(4)) is amended by—

(1) striking out "the Classification Act of 1949, as amended, the compensation" and inserting in lieu thereof "the provisions of chapter 51 and subchapter III of chapter 53 United States Code, relating to classification and General Schedule pay rates, the basic pay";

(2) striking out "Provided, That the compensation of employees of local boards and appeals boards may be fixed without regard to the Classification Act of 1949, as amended: Provided further, That" and inserting in lieu thereof "however,"; and

(3) striking out "Provided further, That an employee of a local board having supervisory duties with respect to other employees of one or more local boards shall be designated as the 'executive secretary' of the local board or boards: And provided further, That the term of employment of such 'executive secretary' in such position shall in no case exceed ten years except when reappointed;" and inserting in lieu thereof a semicolon.

Sec. 4. This Act shall take effect not later than the beginning of the first pay period which begins on or after the ninetieth day following the date of the enactment of this Act.

With the following committee amendments:

(1) On page 2, line 9, strike out "as amended,".

(2) On page 2, line 11, insert the words "of title 5" immediately after the number "53".

(3) On page 2, line 17, strike out "as amended".

(4) On page 3, strike out lines 1 and 2 and insert in lieu thereof "years except when reappointed".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IMPROVING ADMINISTRATION OF LEAVE SYSTEM FOR FEDERAL EMPLOYEES

The Clerk called the bill (H.R. 1284) to amend title 5, United States Code, to improve the administration of the leave system for Federal employees.

There being no objection, the Clerk read the bill as follows:

H.R. 1284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 5551(a) of title 5, United States Code, is amended by striking out "except that it may not exceed pay for a period of annual or vacation leave in excess of 30 days or the number of days carried over to his credit at the beginning of the leave year in which entitlement to payment occurs, whichever is greater".

(b) Section 5551(b) of title 5, United States Code, is amended to read as follows:

"(b) The accumulated and current accrued annual leave to which an officer excepted from subchapter 1 of chapter 63 of this title by section 6301(2)(x)-(xi) of this title, is entitled immediately before the date of his separation from the service, shall be liquidated by a lump-sum payment in ac-

cordance with subsection (a) of this section or subchapter VIII of this chapter, except that the payment is based on the rate of pay which he was receiving immediately before the date on which section 6301 (2)(x)-(xi) of this title became applicable to him."

Sec. 2. The first sentence of section 6303 (b) of title 5, United States Code, is amended to read as follows: "Notwithstanding subsection (a) of this section, an employee whose current employment is limited to less than 90 days is entitled to annual leave under this subchapter only after being currently employed for a continuous period of 90 days under successive appointments without a break in service."

Sec. 3. Section 6304 of title 5, United States Code, is amended—

(1) by striking out of subsection (a) the phrase "subsection (b) of this section" and inserting in lieu thereof "subsections (b) and (d) of this section"; and

(2) by adding at the end thereof the following new subsection:

"(d)(1) Annual leave which is lost by operation of this section because of—

"(A) administrative error when such error causes a loss of annual leave otherwise accruable after June 30, 1960;

"(B) exigencies of the public business when such annual leave was scheduled in advance; or

"(C) sickness of the employee when such annual leave was scheduled in advance; shall be restored to the employee.

"(2) Annual leave restored under paragraph (1) of this subsection which is in excess of the maximum leave accumulation permitted by law shall be credited to a separate leave account for the employee and shall be available for use by the employee within the time limits prescribed by regulations of the Civil Service Commission. Leave credited under this paragraph but unused and still available to the employee under the regulations prescribed by the Commission shall be included in the lump-sum payment under section 5551 or 5552(1) of this title but may not be retained to the credit of the employee under section 5552(2) of this title."

Sec. 4. Section 6302 of title 5, United States Code, is amended by inserting at the end thereof the following new subsection:

"(f) An employee who uses excess annual leave credited because of administrative error may elect to refund the amount received for the days of excess leave by lump-sum or installment payments or to have the excess leave carried forward as a charge against later-accruing annual leave, unless repayment is waived under section 5584 of this title."

Sec. 5. With respect to former employees who are not on the rolls on the date of enactment of this Act, except former employees under section 6 of this Act, annual leave which accrued after June 30, 1960, but, because of administrative error, was lost by operation of section 6304 of title 5, United States Code, is subject to credit and liquidation by lump sum payment only if a claim therefore is filed by or for the former employee, with the agency by which he was employed at the time the loss of leave occurred, within three years immediately following the date of enactment of this Act. Payment shall be at the salary rate in effect on the date of separation from the employment during which the loss of annual leave occurred.

Sec. 6. (a) With respect to an employee of the United States Postal Service or former employee of the former Post Office Department or of the United States Postal Service, annual leave which accrued after June 30, 1960, and before July 1, 1971, but, because of administrative error, was lost before July 1, 1971, by operation of section 6304 of title 5, United States Code, shall be liquidated by a lump sum payment only if a claim thereof

is filed by or for such employee or former employee with—

(1) the Postal Service, if such leave was lost while such employee or former employee was an employee of the Post Office Department; or

(2) the agency (other than the Post Office Department) by which such employee was employed at the time the loss of leave occurred;

within three years immediately following the date of enactment of this Act.

(b) The lump sum payment authorized under subsection (a) of this section shall be made at the salary rate in effect on—

(1) June 30, 1971, or the date of separation or transfer from the Post Office Department, as applicable, in the case of a claim filed under subsection (a)(1) of this section; or

(2) the date of separation or transfer from the agency (other than the Post Office Department) in the case of a claim filed under subsection (a)(2) of this section.

With the following committee amendments:

(1) On page 2, line 1, strike out "subchapter I" and insert in lieu thereof "subchapter I".

(2) On page 2, line 2, strike out "to this title" and insert in lieu thereof "of this title".

(3) Beginning on page 4, strike out line 6 and all that follows down through line 21 on page 5, and insert in lieu thereof the following:

Sec. 5. With respect to a former employee (except a former employee under section 6 of this Act) who is not on the rolls on the date of enactment of this Act, annual leave which accrued after June 30, 1960, but, because of administrative error, was lost by operation of section 6304 of title 5, United States Code, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed within three years immediately following the date of enactment of this Act, with the agency by which he was employed when the lump-sum payment provisions of section 5551 of title 5, United States Code, last became applicable to him. Payment shall be by that agency at the salary rate in effect on the date the lump-sum payment provisions became applicable.

Sec. 6. (a) With respect to a former employee of the Post Office Department or a former employee of the United States Postal Service who had prior civilian service with the Post Office Department or other Federal agency, who is not on the rolls on the date of enactment of this Act, annual leave which accrued after June 30, 1960, and before July 1, 1971, but, because of administrative error was lost by operation of section 6304 of title 5, United States Code, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed within three years immediately following the date of enactment of this Act with the Postal Service. Payment shall be by the Postal Service at the salary rate in effect on the date the lump-sum payment provisions of section 5551 of title 5, United States Code, or comparable provisions of regulations of the Postal Service as appropriate, last became applicable to the former employee.

(b) With respect to a present employee of the Postal Service who had prior Federal civilian service with the Post Office Department or other Federal agency, annual leave which accrued after June 30, 1960, and before July 1, 1971, but, because of administrative error was lost by operation of section 6304 of title 5, United States Code, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed within three years immediately following the date of enactment of this Act with the Postal Service. Payment shall be by the Postal Service at the salary rate in effect on the date of enactment of this Act.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LIBERALIZATION OF ELIGIBILITY FOR CIVIL SERVICE RETIREMENT COST-OF-LIVING ANNUITY INCREASES

The Clerk called the bill (H.R. 3799) to liberalize eligibility for cost-of-living increases in civil service retirement annuities.

There being no objection, the Clerk read the bill as follows:

H.R. 3799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8340(c) of title 5, United States Code, is amended—

(1) by renumbering paragraphs (1) and (2) thereof as paragraphs (2) and (3), respectively; and

(2) by inserting immediately above paragraph (2) (renumbered as such by paragraph (1) of this section), the following new paragraph:

"(1) An annuity (except a deferred annuity under section 8338 of this title or any other provision of law) which—

"(A) is payable from the Fund to an employee or Member who retires, or to the widow or widower of a deceased employee or Member; and

"(B) has a commencing date after the effective date of the then last preceding annuity increase under subsection (b) of this section;

shall not be less than the annuity which would have been payable if the commencing date of such annuity had been the effective date of the then last preceding annuity increase under subsection (b) of this section. In the administration of this paragraph, an employee or a deceased employee shall be deemed, for the purposes of section 8339(n) of this title, to have to his credit, on the effective date of the then last preceding annuity increase under subsection (b) of this section, a number of days of unused sick leave equal to the number of days of unused sick leave to his credit on the date of his separation from the service."

Sec. 2. The amendments made by this Act shall apply only with respect to annuities which have a commencing date after the effective date of the first annuity increase under section 8340(b) of title 5, United States Code, which occurs on or after the date of enactment of this Act.

With the following committee amendment:

On page 2, strike out lines 21 through 23, and lines 1 and 2 on page 3 and insert the following:

Sec. 2. The amendments made by this Act shall apply only with respect to annuities which commence on or after July 2, 1973.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRANTING ALIEN CHILD ADOPTED BY AN UNMARRIED U.S. CITIZEN SAME IMMIGRANT STATUS

To grant an alien child adopted by an unmarried U.S. citizen the same immi-

grant status as an alien child adopted by a U.S. citizen and his spouse.

There being no objection, the Clerk read the bill as follows:

H.R. 7555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)) is amended—

(1) by inserting before "by a United States citizen" both times it occurs in such subparagraph the following: "by an unmarried United States citizen or", and

(2) by striking out "who have complied" in such subparagraph and inserting in lieu thereof "who has or have complied".

Mr. KOCH. Mr. Speaker, I rise in support of H.R. 7555, a bill I introduced to grant a child adopted by a single U.S. citizen the same immediate relative status for immigration purposes as a child adopted by a U.S. citizen and spouse.

Under existing law, section 101(b)(1)(F) of the Immigration and Nationality Act allows only married U.S. citizens, and not an unmarried U.S. citizen, the right to petition for immediate relative status for an alien orphan intended to be or already adopted. The administrative rulings on this matter have prohibited an unmarried person from petitioning for immediate relative status for an otherwise eligible alien orphan.

This distinction in the law has caused much suffering. For example, the American unmarried aunt or uncle, either single, widowed, or divorced, of an alien orphan cannot now obtain immediate relative status for her or his orphaned niece or nephew. Furthermore, today there are many unmarried persons who would like to adopt Vietnam orphans, fathered by American soldiers. Although many States now allow adoption by an unmarried person, this adoption is thwarted by an antiquated immigration policy.

I originally introduced this legislation in September 1972 after the injustice of the present law was brought to my attention by a constituent. This particular young woman had adopted a Korean child. However, to her dismay and sorrow, she found that she could not bring the adopted alien orphan to the United States as an immediate relative solely because she was a single, unmarried parent.

Most single parents in this situation have had to register the child for a non-preference visa number. The child is then placed on the waiting list since this category is often oversubscribed and visas are unavailable for years. During this time the child may not permanently enter the United States.

The report on H.R. 7555 filed by the House Judiciary Committee, urging that the bill be passed, states that—

The Committee recognizes that there has been a continuing trend in state legislatures to enact legislation authorizing single persons to adopt children. In this regard, it should be emphasized that the impact of this legislation is properly limited to the United States and the laws of the United States or the applicable law in foreign jurisdictions permit a single person to adopt children.

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<p>Remarks: The Senate Post Office and Civil Service Committee has favorably reported out H. R. 1284 (see attached report). H. R. 1284 passed the House on September 17, 1973. The Bill will most likely receive a favorable vote by the Senate in the very near future. Note the benefits for lump-sum payment of accrued leave upon separation from Government and payment for all annual leave forfeited by civilian employees who were or are in a missing status subsequent to January 1, 1965. You may wish to advise your retirement people, as [REDACTED] expressed an interest in this Bill.</p> <p style="text-align: right;">[REDACTED] Assistant Legislative Counsel</p>					
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